

REMARKS

Claims 19-34 are pending.

Reconsideration of the rejections and objections set forth in the Office Action dated July 13, 2005 ("Office Action") is respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action states that Claims 19-26, and 30-34 under 35 U.S.C. 103(a) are unpatentable over Mahoney (U.S.P.N. 5,502,806) in view of Decker (U.S.P.N. 6,167,443) in further view of Haave et al. 5,367,330. The Office Action also states that Claims 27,28, and 29 under 35 U.S.C. 103(a) are unpatentable over Mahoney in view of Decker in further view of Christie (U.S.P.N. 5,502,806). Applicants respectfully disagree with the rejections set forth in the Office Action and submit that Claims 19-34 are patentable over the cited references for at least the following reasons.

I. The combination suggested in the Office Action does not teach all of the elements

The hypothetical combination of Mahoney, Decker and Haave, does not teach the elements of the present application. In particular, the combination of Mahoney, Decker and Haave would not teach at least the following limitations: a) the priority request being entered on a television unit, and b) a television unit located remotely from the entertainment environment.

- a) The combination does not teach the priority request being entered on a television unit.

In the Office Action, the Examiner recognizes that Maloney fails to disclose the priority request being entered on a television unit located at a resort facility. To cure this deficiency, the Decker is cited in the Office Action as follows: "Decker discloses a hotel room in which the a [sic] television is used to order e.g. Italian food col. 12 line 49 [sic] which restaurant is located

remotely of the room from [sic] it was ordered.” *See* Office Action Page 3, Ln. 21-23. Applicants respectfully disagree.

Decker does not teach or disclose using a television unit to remotely request times to enter an attraction. Rather, the television unit in Decker is simply used as an output device, not as an input device. Careful reading of the cited text of Decker reveals that the Italian restaurant example refers to advertisement of Italian restaurants on the television screens, not ordering Italian food or any other items utilizing the television unit: “In addition, the system 60 has the ability to offer a listing of information relating to local merchants and to display this information on hotel television screens 100. The system 60 can be configured to display a listing of all local food vendors, or categorical information such as a listing of all Italian restaurants. The system 60 allows for selection of detailed information such as a display of menu items, prices, ordering information, etc. Based on the selections made by the user, the system controller 140 may utilize PBX 250 to communicate with the selected merchant to order goods or services for the user.” *See* Decker Col. 12, Ln. 44-54.

Decker does not provide an indication that the television unit is utilized to input an order, but only to display information, such as information related to Italian restaurants. Any selection by the user would occur through a telephone device as discussed in Decker in connection with the description of the system 60 and the system controller 140. (“Next, the controller 140 prompts the user to **push a particular button of the telephone keypad to indicate the user's selection**. For example, the initial menu screen may request the user to push "1" for adventures, "2" for dramas, "3" for comedies, etc. A tone is generated when a telephone keypad button is pushed which is received by the interactive board 260 and communicated to the controller 140. The controller 140 then controls the menu generator 189 to generate a new screen which presents the user a menu of movies from which to choose a movie by utilizing the telephone 101.”) *See* Decker, Col. 10, Ln. 50-60.

The Office Action is therefore again incorrect in concluding that the television unit is used for ordering a movie, Italian food, or any other item. As such, the combination does not

teach the priority request being entered on a television unit located at the resort facility because the television of Decker is not utilized as an input device.

The Office Action further cites Haave to include a system in which a television is utilized as an input device. Haave has been cited as disclosing “ordering by television items which are located remotely of the room in which the product is located.” The pay-per-view system in Haave does not disclose a television unit as the input device to order movies. Rather, a telephone connection seems to be the preferred method:

“The substations are equipped to take orders from the remote receiving locations by, for example, telephone lines, computerized, voice response telephone answering systems (ARU or VRU), automated telephone number identification (ANI) systems or through two way cable systems that have the capability of processing subscriber pay-per-view orders entered on a converter remote control device in the subscriber's location.” *See* Haave, Col 4, Ln 44-52.

Nothing in this text, or anywhere else in Haave's disclosure, is there an indication that Haave discloses “ordering by television items which are located remotely of the room in which the product is located” as cited in the Office Action. Applicant's respectfully request the Examiner to cite a section of Haave disclosing a priority request being entered on a television unit as taught in Claim 19.

In addition, Claim 19 recites in part “receiving from a patron a priority request for an allocation of a time of entry into the attraction, the priority request being entered on a television unit located at a resort facility.” Therefore, the user request is for a time of entry into the attraction in an entertainment environment, and not a delivery of an entertainment product (e.g. television programming to the hotel) as disclosed in Haave.

Finally, Applicants respectfully remind the Examiner that a rejection based on a hypothetical combination that makes the system inoperable cannot be sustained. If Mahoney were combined with Decker and Haave, Mahoney would simply cease to work for its intended purpose. The computer terminals in Mahoney would be television units as disclosed in Decker

and/or Haave. As previously stated, the television units of Decker do not work as input devices. Thus, if the television units of Decker are used in combination with Mahoney, the system in Mahoney would be rendered inoperable because patrons would not be able to enter their requests.

Accordingly, Applicants submit that Mahoney in combination with Decker and Haave does not teach a television unit as an input unit.

b) The combination does not teach a television unit located remotely from the entertainment environment.

Mahoney in view of Decker and in further view of Haave does not teach a television unit located remotely from the entertainment environment. Claim 19 recite that the resort facility is located remotely from the entertainment environment, and further that the television unit is at the resort facility. Thus, the television units are located remotely from the entertainment environment.

If Mahoney were combined with Decker, the television units would be inside the park, not remotely away from the park. This is because Mahoney teaches away from computer terminals being located outside of the park. “The card satellite terminals 22, 24 and 26 are located within the theme park 40 but not in the waiting line area of a specific ride, event or food service outlet. The card line terminals 28, 30 and 32 are located within the theme park and are placed inside the waiting line area of a specific ride, event or food service outlet.” *See Mahoney*, Col.3, Ln. 43-48. Therefore, Mahoney in combination with Decker and Haave does not teach a television unit located remotely from the entertainment environment.

In Mahoney, if the computer terminals were to be located outside of the park, such modification would change the principle of operation of Mahoney. The Federal Circuit has been clear regarding modifications that would change the principle of operation of a prior art reference. “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the

references are not sufficient to render the claims prima facie obvious.” *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). (See also 2143.01 § IV, V).

Accordingly, Applicants submit that Mahoney in combination with Decker and Haave does not teach a television unit located remotely from the entertainment environment.

II. There is no motivation to combine or modify

“The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).” As such, the question is whether one of ordinary skill in the art would have been, at the time the invention was conceived, motivated by an implicit or explicit teaching or suggestion found in the prior art to combine the references as combined in the Office Action. Furthermore, the second requirement set by the Federal Circuit mandates that a reasonable expectation of success must also be taught in the prior art.

The Office Action does not provide a motivation to combine Mahoney and Decker. In addition, the Office Action offers the following motivation to modify the combination (Mahoney and Decker) with Haave: “it would be obvious to modify the combination to include the television ordering and response feature in the combination above the motivation being using the large screen display to better view reservation plans.” See Office Action, page 4, Line 4-7. It is not clear to Applicants how the size of the screen would motivate one skilled in the art to utilize Haave, especially since Haave does not mention the size of television screens.

Applicants submit that one of ordinary skill in the art would not have been motivated to combine Mahoney and Decker and Haave because neither Decker nor Haave teach or suggest utilizing a television as an input device to make a priority request.

At least for the foregoing reasons, Applicants submit that independent Claim 19 is not rendered obvious by Mahoney in view of Decker and in further view of Haave. Claims 20-34 depend from Claim 19. Therefore, Applicants submit that dependent Claims 20-34 are not

rendered obvious by Mahoney, Decker and Haave either. Therefore, Applicants respectfully request that the rejections to Claims 19-34 be withdrawn.


Conclusion

Applicants have complied with all requirements made in the above referenced communication. Applicants submit that the present application is in condition for allowance, and therefore, respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 58085-010203 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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